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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, : 22 CR 484 (GRB)

-against- : United States Courthouse
: Central Islip, New York

SHERRY XUE LI, : Friday, January 24, 2025
: 12:00 PM

Defendant.

Friday, January 24, 2025
12:00 PM

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TRANSCRIPT OF CRIMINAL CAUSE FOR STATUS CONFERENCE
BEFORE THE HONORABLE GARY R. BROWN
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S :

For the Government: JOHN J. DURHAM, ESQ.
United States Attorney
Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201
BY: ANDREW D. REICH, ESQ.
Assistant United States Attorney

19 For the Defendant: William D. WEXLER, ESQ.
816 Deer Park Avenue
20 North Babylon, New York 11703

22 Court Reporter: Lisa Schmid, CCR, RMR
23 Official Court Reporter
24 Telephone: (631) 712-6102
Email: LisaSchmidCCR.RMR@gmail.com

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1 COURTROOM DEPUTY: Calling Criminal Case 2022-484
2 USA versus Sherry Li.

3 Counsel, please state your appearance for the
4 record.

5 MR. REICH: Good afternoon, Your Honor. Andrew
6 Reich for the Government, and I'm joined by FBI Special
7 Agent Ronald Chang.

8 THE COURT: Welcome.

9 MR. WEXLER: William Wexler on behalf of Sherry
10 Li, who is seated next to me, Your Honor.

11 THE COURT: Excellent. Welcome back.

12 All right. What are we doing today, counsel?

13 MR. REICH: Your Honor, when we last met, Your
14 Honor appointed Mr. Wexler to represent Ms. Li. We have
15 had communications with Mr. Wexler to ensure that he has
16 access to all of the discovery and that the Government is
17 available to make sure that he can get all the discovery
18 that he needs from the case. We also provided Mr. Wexler
19 with a copy of the Government's plea agreement.

20 As Your Honor knows, there's been a plea
21 agreement extended to Ms. Li for sometime now. It was set
22 to expire; however, given the change in counsel, the
23 Government did re-extend that plea agreement, so that she
24 can review it with her new lawyer, Mr. Wexler. That plea
25 agreement is scheduled to expire on February 13th.

1 At that point, the Government does, of course,
2 intend to proceed to trial. Your Honor, there's a trial
3 date of May 5th in this case. The Government intends and
4 hopes that that is -- that that remains the trial date.

5 As Your Honor knows, the case has gone on for
6 quite sometime, and the Government does need to do a great
7 deal of preparation for trial, including bringing
8 witnesses in from out of the country.

9 And so at this time, we are waiting on a final
10 determination from counsel as to what his client wishes to
11 do.

12 THE COURT: Okay.

13 So Mr. Wexler, I will put all those questions
14 out to you with the exception of what your client intends
15 to do on the plea agreement. I don't get involved with
16 the plea negotiations. I'm required not to.

17 So other than that, tell me where we're at.

18 MR. WEXLER: Yes, Judge.

19 Essentially, what the Government has said is
20 correct, and I've had a series of conversations with Mr.
21 Reich and other members of his office concerning the
22 discovery and they have been helpful in that regard.

23 With respect to the trial date of May 5th, if
24 that's the date set for by the Court, defendant will be
25 ready --

1 THE DEFENDANT: No, I never agreed with that.

2 Sorry. Sorry to interrupt.

3 THE COURT: Okay.

4 THE DEFENDANT: I'm sorry.

5 Judge, I believe President Trump signed
6 executive order basically mandating government to stop
7 persecute political opponents, and I do believe my case is
8 hard to argue it is not political persecute case;
9 therefore, I do think I deserve to wait until the new
10 attorney general swear in, and that the Government look at
11 this case. And basically, the Government should follow
12 the presidential execution (sic) order. Basically, they
13 are the part of the government.

14 THE COURT: Okay. When you say the political
15 prosecution -- or persecution, I think you said -- are you
16 referring to the pardon of the people involved in January
17 6th? Is that what you're talking about?

18 THE DEFENDANT: No. No. President Trump signed
19 probably two hundred executive orders.

20 THE COURT: I've read some of them. I haven't
21 read all of them.

22 THE DEFENDANT: Yes.

23 There is a specific one basically because of the
24 DOJ and FBI has been for the weaponization of using the
25 political persecution and the FBI go after Trump

1 supporters, there is an execution (sic) order -- there is
2 a presidential execution (sic) order basically say --
3 require, mandate government to stop persecuting political
4 opponents.

5 My case thinks Trump photos with me is a target
6 hit. It's harder for anyone to argue that it's not
7 political persecution. Therefore, there is a base for the
8 Government to throw out the case.

9 This is the Government before the new attorney
10 general swears in because if they not willing to stop it,
11 I do deserve a chance for the new attorney general swears
12 in to review it, to basically make a decision if this is a
13 political persecution cases.

14 THE COURT: Okay. Hang on.

15 Where's the Government standing right now in
16 terms of the attorney general? You have an acting
17 attorney general, do you not?

18 MR. REICH: That's correct, Your Honor. I don't
19 know the timeline for the new attorney general.

20 THE COURT: Yes. I don't either.

21 But I have a couple of questions today that I
22 don't -- I wasn't prepared to talk substance today, but
23 that's all right.

24 The charges here, as I recall, do they involve a
25 political corruption statute per se or is it a

1 straightforward sort of mail and wire fraud?

2 THE DEFENDANT: The charges --

3 THE COURT: Ma'am, sorry. I let you speak, but
4 you wait your turn.

5 THE DEFENDANT: Yes, Your Honor.

6 THE COURT: Go ahead.

7 MR. REICH: Your Honor, as you know, this is not
8 a political corruption case.

9 THE COURT: No, no, no, no. I'm asking the
10 question, are there campaign finance laws charged,
11 anything like that?

12 MR. REICH: Yes, Your Honor. There are. There
13 are three general buckets of charges with respect to Ms.
14 Li's conduct here.

15 THE COURT: Go through them, please. Explain
16 them in detail to us, please.

17 Go ahead.

18 MR. REICH: Thank you.

19 One bucket involves wire fraud with respect to
20 the alleged fraud that Ms. Li and her co-defendant
21 perpetrated with respect to the projects that we've talked
22 about, and receiving investments from individuals on that
23 project.

24 Another bucket involves campaign finance
25 violations with respect to straw donations and bundling of

1 political donations.

2 Another bucket, Your Honor, is tax offenses.

3 And those, I would say, are the three main
4 buckets in the case.

5 THE COURT: Okay. All right. So are you
6 familiar with any of the executive orders that might bear
7 on this case because I'm not, but there might be. I don't
8 know.

9 MR. REICH: Your Honor, I am not familiar with
10 an executive order that bears on this case, and I can tell
11 you that sitting here, the Government has -- the
12 Government, our office, the case team has no indication
13 that there's going to be any action taken with respect to
14 Ms. Li's case on the DOJ side other than to proceed to
15 trial.

16 THE COURT: Right.

17 What I will say is lots of surprising things
18 have happened in the last few days, but I don't know of
19 anything that affects this case. If there is something
20 that say pertains to the campaign finance charges, I don't
21 think that would affect the remainder of the case.

22 So Ms. Li, just be advised that there are fraud
23 charges here, straight flat-out fraud charges, and you
24 made promises and they were untrue. I don't know if
25 they're true or not. I don't know what happened.

1 THE DEFENDANT: If I tell you a fact that FBI
2 started investigated me before any EB-5 investor invest
3 with my case, and that they are initiated by the local
4 environmental group which have their environmental and
5 political agenda. And there are prosecutors and the
6 judges, they own the land next to my property in -- where
7 I'm developing.

8 So they started invest my case before any EB-5
9 investors invest with me. Basically, that shows they are
10 not there to investigate for investors' protection. They
11 are there to achieve their involvement in political
12 agenda.

13 And also by the way, the head of FBI director in
14 New York state at the time when we tried to apply for my
15 bail at the Manhattan south district and the lawyer for
16 those environmental group members at the south district,
17 the members, by the way, and the head of FBI director,
18 Michael Brodack, at the time I tried to apply for my bail,
19 which I'm a U. S. Citizen for almost 27 years. I live in
20 same location for 15 years with my son and dad. And we
21 put a large amount of assets to provide for the bail. And
22 three tried, our bail was denied.

23 And I'm a NYU Law School graduate, Your Honor.
24 And basically for my situation, I'm a citizen living at
25 the same address with my parent, my dad and my son for

1 this many years. I do not have a flee risk. I do
2 business routinely to go to China, three trips a year, but
3 that's for last 30 years, while the same DOJ can grant the
4 bail for the various Sri Lankan without any money, without
5 any ID, with violence go to the department. They give
6 them a bail 24 hour.

7 I find this a double-standard of DOJ to not
8 grant me bail. And by the way, Michael Brodack basically
9 said that he won't -- his boss from Washington will never
10 allow to give me any bail.

11 And I think all this should be investigated
12 behind the scene, how this case started, how they handle
13 this procedure, who is involved, who is --

14 THE COURT: Ma'am, ma'am. I'm going to stop you
15 now because here's the thing. I don't really want you
16 getting too much into the facts because you have Fifth
17 Amendment rights and things could be used against you. So
18 you have to be really careful with what you say.

19 THE DEFENDANT: Yes, Your Honor. I'm sorry.

20 THE COURT: No, no. Don't apologize. I'm
21 trying to help you.

22 Here, in court, everything is written down, and
23 something you say might hurt you in the future.

24 THE DEFENDANT: Yes.

25 THE COURT: What I want you to understand is the

1 following. This case has been pending a very long time.

2 THE DEFENDANT: Yes.

3 THE COURT: I'm familiar with many of the facts
4 here, many allegations here.

5 I believe that even if there was some order --
6 and I don't know of one -- that you have to -- say the
7 campaign finance questions or something, I don't think
8 it's going to impact the rest of the case.

9 I don't have the luxury of knowing what's going
10 to happen. I have no idea what's going to happen. But I
11 know this. I have legal obligations to get your case
12 tried. So we're going to set your case up to get tried,
13 but if something happens, the president issues some order
14 and the DOJ withdraws the charges, then you'll go. And
15 that's the end of it.

16 But if that doesn't happen -- and in my
17 experience, what we hope as individuals the Government
18 might do and what actually happens are two different
19 things. So you might hope your case is going to go away,
20 but it might not, so I have to be ready in case it
21 doesn't.

22 So you've got a May 5th trial date. Maybe that
23 will just be on the fraud charges. Who knows? If there
24 is a question about -- that the campaign finance charges
25 may complicate things, I'll put those aside. I can sever

1 those. I have that power. I'll put those aside and we'll
2 just go to trial on the fraud charges.

3 Now, the fraud charges, as I recall, involve
4 many allegations of false statements, theft of monies and
5 so forth. So there's a lot of work to do. So you have to
6 work with Mr. Wexler to prepare for that trial. Okay?

7 THE DEFENDANT: Okay.

8 THE COURT: Okay.

9 So, Mr. Wexler, how are we doing on discovery
10 and so forth?

11 MR. WEXLER: I have received discovery, and I am
12 starting to review it.

13 THE COURT: Okay. So you have gotten the
14 materials from the Government? Yes?

15 MR. WEXLER: Yes.

16 THE COURT: All right. If there are plea
17 negotiations, that's fine. That's always welcome. I can
18 see why there might not be here, but if there are, you'll
19 engage in those as well. We have a trial date set up.

20 Did I waive Speedy Trial through that trial
21 date?

22 MR. REICH: Your Honor, I'm not sure that we
23 did, but in an abundance of caution, the Government would
24 request that we waive Speedy Trial through May 5th.

25 MR. WEXLER: No objection.

1 THE COURT: Okay. So I'm going to do that.

2 So do we have a motion schedule? Are we going
3 to make motions? Mr. Wexler, are there motions
4 forthcoming, do we think?

5 MR. WEXLER: Not that I know of at this
6 juncture, Judge.

7 THE COURT: But in your review, you may find --

8 MR. WEXLER: Yes. I'm going to start reviewing
9 executive orders.

10 THE COURT: There's that as well as the
11 materials that are being provided. If there is something
12 you need to move on, you'll let me know. And you could
13 always agree with the Government on the schedule.

14 MR. WEXLER: Yes, sir.

15 THE COURT: I'm happy to do that.

16 But everyone should prepare for trial on May 5th
17 because barring some extraordinary event, that's what I
18 expect to have happen, so --

19 THE DEFENDANT: One more thing I want to state
20 is, I do have line of credit approved by the financial
21 institution.

22 And I also -- the purchase order of all the
23 buildings prefabricated about --

24 THE COURT: Hang on. Hang on. Are talking
25 about the case now? Yes?

1 THE DEFENDANT: Yeah.

2 THE COURT: I don't want you to talk about that
3 because the FBI is here. They write down everything you
4 say and they could even go to trial and say, oh, she said
5 this about the prefab. I don't know what that means.

6 That's why I stopped you. They could use that against
7 you. So that's probably not a good idea.

8 You should talk to Mr. Wexler before you say
9 things on the record because it can hurt you. I've seen
10 it a lot of times and I don't want you getting yourself in
11 more trouble. Do you understand?

12 THE DEFENDANT: Okay.

13 THE COURT: Okay. Good.

14 Mr. Wexler, anything else I can do for you
15 today?

16 MR. WEXLER: No thank you, Your Honor.

17 THE COURT: All right.

18 Anything else -- any other request that the
19 Government has for today?

20 MR. REICH: Nothing further from the Government,
21 Your Honor.

22 THE COURT: All right.

23 I will waive Speedy Trial through the May 5th
24 trial date. That doesn't mean I'm closing the doors here.
25 Everyone is going to come in with motions and other

1 things, but I do think that we need the time to prepare
2 for trial. This is a complicated matter.

3 Mr. Wexler is relatively new on the case,
4 although you've been on it for a little bit now, and
5 there's a lot to do.

6 You would agree with me there, Mr. Wexler?
7 There's a lot to do?

8 MR. WEXLER: I would agree with you, Judge.

9 THE COURT: Okay. Good.

10 So I would say that it's in the public interest
11 and in the defendant's interest to exclude that time, so
12 that both sides have the chance to review everything,
13 prepare for trial.

14 If there are discussions to be held that might
15 resolve the case or parts of the case, you can do that as
16 well, but I think you need that time to get ready for
17 trial. So it's in the public interest and in the interest
18 of justice to order the exclusion. So I'll order that.

19 What else?

20 MR. REICH: Nothing further from the Government,
21 Your Honor.

22 MR. WEXLER: Nothing, Your Honor. Thank you.

23 THE COURT: All right. Delightful seeing all of
24 you. I will hear from or see you all soon. Thank you.

25 (Proceedings concluded.)